

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 96014

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-112-96

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

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Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: LCB R-112-96 (Petition 96014) permanently amends NAC 445A.055 to NAC 445A.066. The amendments allow for interstate reciprocity on laboratory certification in addition to third party site evaluations of water quality laboratories. The payment of fees will be required prior to certification and a protocol for certification of radiochemical and microbiological contaminants and toxicity bioassay is established. The amendments allow for provisional certification and thresholds for revocation of certification, and a framework for records and data reporting is established. Evaluation of laboratory sites will be required once every two years. Fees for various categories of contaminants are increased in addition to provisions to pay for laboratory site evaluations and certifications.

Authority citation other than 233B: NRS 445A.425 and NRS 445A.428

Notice date: August 9, August 11, August 20 and August 26, 1996

Hearing date: September 10, 1996

Date of Adoption of Agency: September 10, 1996

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 96014
LCB FILE R-112-96**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 96014 (R-112-96) was noticed three (3) times: August 9, August 20, and August 28, 1996, in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. Public comment (exhibit #15) was received from the City of Elko. They were supportive of the regulatory changes to the fees. They requested a clarification of the microbiological fee. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

2. The number persons who:

- | | | |
|-----|---|----|
| (a) | Attended each hearing; | 35 |
| (b) | Testified at each hearing; | 15 |
| (c) | Submitted to the agency written comments: | 13 |

Note: Two written comments (exhibits #14 and #15) was received and two persons testified at the Environmental Commission hearing of September 10, 1996, regarding the water quality laboratory certification program.

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. The Bureau of Water Quality Planning also notified the public and regulated businesses. Frank Yeamans (exhibit #14), representing Great Basin Environmental Laboratories, and Col-Tech EnviroLabs expressed the need for time limits in the application process. They suggested an additional time limit for the certification officer to provide an applicant an application. Also suggested was flexibility in correcting testing mistakes to avoid provisional certification. They also stated that the EPA's Manual for the Certification of Laboratories Analyzing Drinking Water be used in the certification process. Mr. Yeamans also commented at the public hearing on September 10, 1996, stating he was supportive of the petition, but that he had concerns with the equity of decertification of individuals and how this would affect provisional certification and the need to allow re-certification within 30 days. Mr. Yeamans expressed that this program needs to work closely with the Health Division to avoid duplication of having certification activities of the two programs.

Continuation of Item #3:

Mr. Bill Pillsbury, operator of a water quality laboratory, expressed industry support for the regulations and fees, stating that it was a big step to update the program. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the State Environmental Commission hearing on September 10, 1996, with changes to the regulation. Changes were proposed during adoption of the regulation.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

The regulations will result in higher costs for the regulated community, water quality laboratories, to be certified. The economic beneficial effect will be the more timely processing of certification requests. The immediate effect will be a reduction in the backlog of pending certification actions, thereby opening the door for more competition in the area of water quality testing. The long term effect will be a more responsive and timely response to certification requests. Additional economic savings for businesses will result since the regulations avoids the duplication of certification activities required the Division of Environmental Protection under the Clean Water Act and the Division of Health under the Safe Drinking Water Act.

There will be no adverse effect upon the public. The public will receive a beneficial effect by having more qualified laboratories doing business in Nevada. The immediate and long term effect will be the public and its institutions having more reliable data available on which to base water quality management decisions.

6. The estimated cost to the agency for enforcement of the adopted regulation.

Funds raised from this program will support contracts with the Division of Health. The funds will be used to implement the program, including administration and enforcement. The annual estimated cost is \$ 150,000.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agencies which the proposed regulation overlaps or duplicates. This program works in tandem with the Division of Health's Safe Drinking Water Program whereas the Commission's programs relates to certification of laboratories under the Federal Clean Water Act.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The Laboratory Certification program pursuant to the Clean Water Act is a state defined program. It's regulations are not more stringent then federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation increases fees for water quality laboratory certifications. The amount projected to be collected annually is approximately \$ 150,000, or an average of \$ 2,000 per regulated facility. The funds will be used to implement the program, including administration and enforcement.

END OF FILING STATEMENT FOR R-112-96

**ADOPTED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R112-96

EXPLANATION: Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445A.425 and 445A.428.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *1. The following records of any sample submitted to a laboratory pursuant to NRS 445A.300 to 445A.730, inclusive, must be maintained by the laboratory:*

(a) A log of samples that includes, without limitation;

(1) The name of the program under which a sample is submitted;

(2) The date and place at which the sample was taken;

(3) The type of analysis requested; and

(4) The person to whom the results of that analysis were reported;

(b) A log of the source and preparation of all reagents and the standards used to perform the approved methods of analysis; and

(c) Information relating to the preparation of each sample that includes, without limitation, a designation of the reagents and standards that were used to analyze a sample or batch of samples.

2. The records and information specified in subsection 1:

(a) May be kept at the site of the laboratory or may be made retrievable through a central system for maintaining records. If the records and information are retrievable through such a system, they must be made available for review at the request of the laboratory certification officer.

(b) Must be maintained and made available for review for at least 3 years.

Sec. 3. *1. In addition to the grounds set forth in NAC 445A.055 to 445A.066, inclusive, for the revocation of a certification, an application for certification of a laboratory must be revoked if the laboratory:*

(a) Submits a performance evaluation sample to another laboratory for analysis and reports the data received as its own;

(b) Falsifies data or engages in any other deceptive practice;

(c) Reports data on a sample of a contaminant for which certification is required and for which the laboratory is not certified; or

(d) Operates or holds itself out as a properly certified laboratory after the certification of the laboratory has been revoked or before receiving a certificate to analyze a contaminant.

2. A laboratory whose application is denied or whose certification is revoked pursuant to subsection 1 may not reapply for certification within 6 months after the date of revocation.

Sec. 4. *If any publication adopted by reference pursuant to NAC 445A.055 to 445A.066, inclusive, is revised, the state environmental commission will review the revision to determine its suitability for this state. If the commission determines that the revision is not suitable for this state, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the commission does not revise its determination, the commission will give notice that the revision is not suitable for this state within 30 days after the hearing. If the commission does not give such notice, the revision becomes part of the publication adopted by reference pursuant to NAC 445A.055 to 445A.066, inclusive.*

Sec. 5. NAC 445A.055 is hereby amended to read as follows:

445A.055 As used in NAC 445A.055 to 445A.066, inclusive, *and sections 2, 3 and 4 of this regulation*, unless the context otherwise requires:

1. "Category of contaminant" means a category designated by the United States Environmental Protection Agency in the sample set for a chemical that is added to the water.
2. "Division" means the division of environmental protection of the state department of conservation and natural resources.
3. "Laboratory certification officer" means the laboratory certification officer of the division.
4. "Sample set" means the water pollution performance evaluation samples provided by the United States Environmental Protection Agency for the evaluation of the performance of a laboratory.

Sec. 6. NAC 445A.056 is hereby amended to read as follows:

445A.056 Each analysis required by NRS [445.307] *445A.300 to 445A.730, inclusive*, must be performed by a certified laboratory pursuant to NAC 445A.055 to 445A.066, inclusive.

Sec. 7. NAC 445A.057 is hereby amended to read as follows:

445A.057 The division will accept [datum] *data* relating to the analysis of contaminants regulated pursuant to NRS [445.131 to 445.354] *445A.300 to 445A.730, inclusive*, that [is] *are* submitted from a laboratory located outside of this state [even though the laboratory certification officer has not conducted an evaluation at the site of the laboratory if the laboratory:

1. **Has] if:**

1. *The laboratory has* otherwise complied with the requirements set forth in NAC 445A.055 to 445A.066, inclusive;

2. [Is] *The laboratory is* certified by [the]:

(a) *The* state in which it is located or [the] , *if the state in which the laboratory is located does not have a program for certifying laboratories for the analysis of water, by any other state which provides such certifications; or*

(b) *The* United States Environmental Protection Agency; [and

3. **Files]**

3. *The laboratory certification officer determines that the state providing the certification has adopted a certification program that is equivalent to the certification program adopted by this state and that state accepts the results of evaluations conducted pursuant to that program; and*

4. *The laboratory files* with the laboratory certification officer a copy of [the] *an acceptable* report relating to the latest evaluation conducted at the site of the laboratory by [the]

(a) *The* state in which the laboratory is [located or by the] *certified;*

(b) *An independent certification organization which has been approved by the laboratory*

certification officer; or

(c) The United States Environmental Protection Agency.

The evaluation to which the report relates must have been conducted within 2 years immediately preceding the date of the laboratory's application for certification.

Sec. 8. NAC 445A.058 is hereby amended to read as follows:

445A.058 The laboratory certification officer shall certify a laboratory to analyze a contaminant that is regulated pursuant to NRS **[445.131 to 445.354,] 445A.300 to 445A.730**, inclusive, if the laboratory:

1. Uses a method or methods of analysis pursuant to 40 C.F.R. Part 136;
2. Completes a satisfactory analysis of samples used to evaluate the performance of the laboratory pursuant to NAC 445A.060; **[and]**
3. Receives a satisfactory evaluation by the laboratory certification officer pursuant to NAC 445A.062[.] ; **and**
4. ***Pays the required fees for the certification pursuant to NAC 445A.066.***

Sec. 9. NAC 445A.059 is hereby amended to read as follows:

445A.059 1. For a laboratory to be certified to analyze a contaminant regulated pursuant to NRS **[445.131 to 445.354,] 445A.300 to 445A.730**, inclusive, the operator of the laboratory must submit a written request to the laboratory certification officer for an application.

2. The laboratory certification officer shall provide an application form upon receipt of a written request. ***If an application is submitted, it must be completed on the application form provided by the laboratory certification officer.***

3. The laboratory certification officer shall:

(a) Review each completed application that is received to determine whether an approved method of analysis is being used by the laboratory. The laboratory must use an approved method for the analysis of a contaminant pursuant to 40 C.F.R. Part 136 before certification may be granted.

(b) Review data used to evaluate the performance of a laboratory using the criteria set forth in NAC 445A.060 and 445A.061.

Sec. 10. NAC 445A.060 is hereby amended to read as follows:

445A.060 1. Except as otherwise provided in subsection **[2,] 3**, to be certified and to maintain certification to analyze:

(a) A contaminant, a laboratory must analyze the samples of the contaminant in each sample set.

(b) Trace metals, minerals, nutrients, demands, total cyanide, nonfilterable residue, oil and grease, total phenolics or total residual chlorine, a laboratory must determine all levels of concentration of the contaminant pursuant to the warning limits established by the United States Environmental Protection Agency in each sample set.

(c) Polychlorinated biphenols in water or in oil, pesticides, volatile halocarbons or volatile aromatics, a laboratory must analyze a minimum of 80 percent of the compounds provided in the category pursuant to the warning limits established by the United States Environmental Protection Agency in each sample set.

(d) Radiochemical contaminants, a laboratory must properly analyze two inter-comparison samples and one blind sample pursuant to the criteria for acceptance established by the United States Environmental Protection Agency.

(e) Microbiological contaminants, a laboratory must satisfactorily analyze 80 percent of at least one set of samples in each category.

2. Except as otherwise provided in subsection 3, to be certified and to maintain certification to perform toxicity bioassays, a laboratory must satisfactorily analyze the samples for performance evaluation pursuant to criteria established by the United States Environmental Protection Agency.

[2.] 3. A laboratory that has not been certified may use a sample set for its evaluation that is provided by a supplier which is approved by the laboratory certification officer. The laboratory certification officer may issue provisional certification to a laboratory that receives a satisfactory performance evaluation from such a supplier.

Sec. 11. NAC 445A.061 is hereby amended to read as follows:

445A.061 1. If a laboratory that is certified to analyze for a contaminant, trace metals, minerals, nutrients, demands, total cyanide, nonfilterable residue, oil and grease, total phenolics, total residual chlorine or other category of contaminant fails to determine one or more levels of concentration of a contaminant pursuant to the warning limits established by the United States Environmental Protection Agency, the certification of the laboratory must be changed to provisional certification for that contaminant. If, in the next available sample set provided by the United States Environmental Protection Agency, the laboratory fails to determine one or more levels of concentration for that contaminant pursuant to the required criteria, the certification of the laboratory for that contaminant must be revoked.

2. If a laboratory that is certified to analyze for polychlorinated biphenols in water or in oil, pesticides, volatile halocarbons or volatile aromatics fails to analyze a minimum of 80 percent of the compounds provided pursuant to the warning limits established by the United States Environmental Protection Agency, the certification of the laboratory must be changed to provisional certification for that category of contaminants. If, in the next available sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze at least 80 percent of the compounds provided in the category pursuant to the required criteria, the certification of the laboratory for that category of contaminants must be revoked.

3. If a laboratory that is certified to analyze a radiochemical contaminant fails to analyze that contaminant pursuant to the criteria for acceptance established by the United States Environmental Protection Agency, the certification of the laboratory for that contaminant must be changed to a provisional certification. If, in the next available sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze the sample set pursuant to the requirements of this subsection, the certification [if] of the laboratory for that contaminant must be revoked.

4. If a laboratory that is certified to analyze a microbiological contaminant fails to analyze satisfactorily 80 percent of at least one sample set in each category, the certification of the laboratory must be changed to a provisional certification for that contaminant. If, in the next sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze satisfactorily a minimum of 80 percent of one set of samples in each category, the certification of the laboratory for that contaminant must be revoked.

5. If a laboratory that is certified to perform toxicity bioassays fails to analyze the samples for performance evaluation pursuant to the criteria for acceptance established by the United States Environmental Protection Agency, the certification of the laboratory must be changed to a provisional certification for that category. If, in the next sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze satisfactorily for toxicity, the certification of the laboratory for that category must be revoked.

Sec. 12. NAC 445A.062 is hereby amended to read as follows:

445A.062 1. [The] ***Except as otherwise provided in subsection 2, the*** laboratory certification

officer shall conduct an evaluation at the site of each laboratory in this state that applies for certification pursuant to NAC 445A.055 to 445A.066, inclusive. The evaluation must be conducted after the laboratory certification officer receives acceptable data from the United States Environmental Protection Agency or other supplier concerning the analysis of samples by the laboratory pursuant to NAC 445A.060 and 445A.061. Within 60 days of receiving the data, the laboratory certification officer shall conduct an evaluation at the site of the laboratory unless another mutually acceptable date is established in writing.

2. In lieu of conducting an evaluation of a laboratory pursuant to subsection 1, the laboratory certification officer may accept an evaluation of the laboratory conducted by:

- (a) Another state;**
- (b) An independent certification organization approved by the officer; or**
- (c) The United States Environmental Protection Agency.**

3. The laboratory certification officer shall:

(a) Determine whether the laboratory is using approved methods of analysis in an acceptable manner, including appropriate procedures for controlling quality.

(b) Evaluate the facilities, equipment, personnel and protocols of the laboratory by using the criteria established by the United States Environmental Protection Agency in chapters IV (*chemistry*), V (*microbiology*) and VI (*radiochemistry*) of its "Manual for the Certification of Laboratories Analyzing Drinking Water," [EPA/570/9-90/008, April 1990], which is hereby adopted by reference [.] *in the form most recently published by the agency, unless the state environmental commission gives notice that the most recent publication is not suitable for this state pursuant to section 4 of this regulation.* A copy of these chapters may be obtained from the laboratory certification officer free of charge.

[3.] 4. The laboratory certification officer shall make a determination concerning the certification of a laboratory and refuse certification or issue a letter of certification within 30 days after his evaluation.

5. If data relating to performance evaluation samples are not available pursuant to NAC 445A.060, provisional certification to analyze a contaminant specified in the certification may be granted to a laboratory based on the laboratory's analysis of a full-volume performance evaluation sample acquired by the laboratory certification officer at the laboratory's expense.

Sec. 13. NAC 445A.063 is hereby amended to read as follows:

445A.063 1. Except as otherwise provided in subsection 3, [of this section,] a certification to analyze for contaminants granted pursuant to NAC 445A.055 to 445A.066, inclusive, is valid for [3 years] 1 year.

2. An evaluation of a certified laboratory must be conducted at the site of the laboratory [before the certification of the laboratory may be renewed. The laboratory must send a written request for an evaluation to the laboratory certification officer by certified mail at least 6 months but not more than 1 year before the certification expires.

3. The laboratory certification officer may conduct] in accordance with the provisions of NAC 445A.062 at least once every 2 years. The evaluation may be conducted without prior notice.

3. An evaluation at the site of the *certified* laboratory *may be required* if:

(a) The performance of the laboratory is not satisfactory pursuant to NAC 445A.060 and 445A.061; [or]

(b) The laboratory submits and application for certification to analyze additional contaminants;

(c) Complaints are brought against the laboratory; or

(d) The laboratory certification officer determines that the ability of the laboratory to analyze for a contaminant for which the laboratory is certified may be impaired.

4. If [a certified laboratory applies for certification for an additional contaminant, the laboratory certification officer may shorten the term of the subsequent certification to include all of the certifications of the laboratory within the same 3-year term as the initial certification.

5.] *an evaluation at the site of the laboratory is conducted by a state or federal agency or by an independent certification organization, including, but not limited to, the American Association for Laboratory Accreditation or the National Sanitation Foundation, the laboratory shall, within 30 days of receipt of the evaluation, submit a copy of the evaluation to the laboratory certification officer together with a copy of the response of the laboratory to that evaluation, if any.*

5. *Except as otherwise provided in subsection 6, an application for renewal of certification must be:*

(a) *Submitted on a form provided by the laboratory certification officer. The laboratory certification officer shall provide the form to the appropriate laboratories on or before May 15th of each year.*

(b) *Submitted on or before June 30 of each year.*

(c) *Accompanied by the fees required by NAC 445A.066.*

6. *In lieu of paying fees that are due, a laboratory operated by the Federal Government or a state or local government may submit with its application for renewal a purchase order approved by the laboratory certification officer[s].*

7. *The certification of a laboratory that fails to submit an application for renewal by June 30 of any year terminates on July 1 of that year. A certification which is terminated will be reinstated when an application is submitted in accordance with the provisions of NAC 445A.059 and the criteria of NAC 445A.055 to 445A.066, inclusive, are met.*

8. The certification of a laboratory must be revoked if the laboratory:

(a) Submits to the laboratory certification officer a written refusal to allow an evaluation at the site of the laboratory; or

(b) Refuses to allow the laboratory certification officer to conduct an evaluation of the laboratory.

Sec. 14. NAC 445A.064 is hereby amended to read as follows:

445A.064 **[If the certification of a laboratory is revoked:**

1. The]

1. If an application for certification of a laboratory is denied or the certification of a laboratory to analyze a contaminant is revoked, the laboratory certification officer shall send a written notice of the denial or revocation to the laboratory by certified mail.

2. [The] Except as otherwise provided in section 3 of this regulation, the laboratory may be recertified to analyze for a contaminant or classification of contaminant if the laboratory meets the requirements set forth in NAC 445A.055 to 445A.066, inclusive.

Sec. 15. NAC 445A.065 is hereby amended to read as follows:

445A.065 1. The operator of a certified laboratory shall report to the laboratory certification officer any changes in **[the personnel facilities or equipment of the laboratory which may impair the ability of the laboratory to analyze for any of the contaminants for which it is certified.]**

(a) The personnel of the laboratory, as defined by the United States Environmental Protection Agency in chapters IV , V and VI of its "Manual for the Certification of Laboratories Analyzing Drinking Water, " in the form most recently published by that agency, unless the state environmental commission gives notice that the most recent publication is not suitable for this state pursuant to section 4 of this regulation.

(b) The location of the laboratory;

(c) The facilities of the laboratory; or

(d) Any equipment of the laboratory that has been replaced or has failed and is not being replaced.

For the purposes of this paragraph, "equipment" has the meaning ascribed to it by the United States Environmental Protection Agency in chapters IV, V and VI of its "Manual for the Certification of Laboratories Analyzing Drinking Water," in the form most recently published by that agency, unless the state environmental commission gives notice that the most recent publication is not suitable for this state pursuant to section 4 of this regulation.

The report must be made within 30 days after the change.

2. After a report is made, the laboratory certification officer shall make a determination concerning the certification of the laboratory. Depending on the ability of the laboratory to analyze for a contaminant, the laboratory certification officer may:

(a) Determine not to change the certification of the laboratory;

(b) Change the certification of the laboratory to provisional certification [;] *for the affected contaminants*; or

(c) Revoke the certification of the laboratory [.] *for the affected contaminants*.

3. If the certification of the laboratory is changed to provisional certification for a contaminant, the laboratory must be evaluated for that contaminant pursuant to NAC 445A.060 and 445A.061.

4. If the certification of the laboratory is revoked for a contaminant, the laboratory may reapply for certification for that contaminant pursuant to NAC 445A.055 to 445A.066, inclusive.

5. If [a change] *changes* in the personnel, *location*, facilities or equipment of a laboratory [is] *are* not reported pursuant to the requirements of this section, the certification of that laboratory must be revoked.

Sec. 16. NAC 445A.066 is hereby amended to read as follows:

445A.066 1. A laboratory must submit a one-time, nonrefundable fee of [**\$250**] **\$400** with each application for certification.

2. A laboratory must submit an annual certification fee for each category of contaminant for which certification is requested. The categories of contaminants and annual fees are:

CATEGORY OF CONTAMINANT	ANNUAL FEE
Trace Metals	[\$200] \$500
Minerals	[200] 500
Nutrients	[100] 250
Demands	[100] 250
Polychlorinated biphenols (Water)	[100] 250
Polychlorinated biphenols (Oil)	[100] 250
Pesticides	[200] 500
Volatile Halocarbons	[100] 250
Volatile Aromatics	[100] 250
Total Cyanide	[50] 125
Nonfilterable Residue	[50] 125
Oil and Grease	[50] 125
Total Phenolics	[50] 125
Total Residual Chlorine	[50] 125
Microbiological	350

Radiochemical 500
Other individual contaminant as defined
by the United States Environmental
Protection Agency [50] 125
The annual certification fee to perform toxicity bioassays is \$400.

3. The fee for certification for additional contaminants requested by a laboratory during an annual period of certification is \$400. The fee will be prorated pursuant to subsection 4 if the provisions of that subsection otherwise apply. If the laboratory certification officer conducts an evaluation for certification at the site of the laboratory, the laboratory must pay, at the rate provided for state officers generally, the actual travel and per diem expenses of the officer. If the laboratory is located outside of this state, the expenses must be paid pursuant to the provisions of subsection 5.

4. The fees are effective for twelve months beginning on July 1 of each year. If an application for certification is submitted during that period, the fees will be prorated using the following formula:

Fee X.083 X the number of months remaining through June 30.

For the purpose of prorating fees, an application shall be deemed to have been submitted at the beginning of a month regardless of the date of the application. Prorated fees will be rounded up to the next highest dollar.

5. If an evaluation for certification of a laboratory that is located outside this state is conducted, the laboratory must pay the actual travel and per diem expenses of the laboratory certification officer who conducts the evaluation. Payment of the expenses must be made in advance based on the estimated expenses of the officer. A payment made in excess of the actual expenses will be reimbursed to the laboratory.

END OF LCB R112-96 (PETITION 96014)